

REMARKS

Before entry of this Amendment, claim 1 was pending in the application. After entry of this Amendment, claims 45 - 67 have been added, and claims 1 and 45 - 67 remain pending under examination. The number of total claims has been increased by four beyond the number for which payment previously has been made, and the fees for four extra claims is submitted herewith. The number of independent claims has not been increased beyond the number for which payment previously has been made.

Applicant has carefully considered the Examiner's Action of August 11, 2006, and the references cited therein. The following is a brief summary of the Action. The abstract of the disclosure was objected to because it contains legal phraseology. The disclosure was objected to for various informalities. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0082564 (hereafter Pham).

For the reasons explained below, applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Pham.

As presented herein, claim 1 has been amended to include the dispensing unit (4) comprising a hollow line (9) that connects the receiving unit (2) and the dispensing opening (2) to one another, and that in order to prevent residual liquid from running out of the device (1) the hollow line (9) runs upward at least in sections (9a) toward the dispensing opening (8) when the device (1) is placed on a horizontal surface. See Applicant's Fig. 3 for example. However, as stated at lines 12 – 15 of paragraph 31 of Pham, the forward end 22 of the Pham syringe holder 12 has a **horizontally disposed needle opening 28** that opens into an end wall of a chamber in communication with the

cavity 26. Other than when a cover is placed over the Pham needle 18 when the needle 18 is connected to the cartridge 14, Pham fails to provide any mechanism for preventing liquid from leaking out of the cartridge 14.

As presented herein, independent claim 67 requires a second closure unit (5) that is configured to selectively open and close the dispensing opening (8). Pham fails to provide a closure unit that is configured to selectively open and close the Pham dispensing opening (28).

Applicant therefore respectfully submits that claims 1 and 45 - 67, as presented herein, are patentable under 35 U.S.C. 102(e) over Pham.

Applicant respectfully requests reconsideration and reexamination of claims 1 and 45 - 67, as presented herein, and submits that these claims are in condition for allowance and should be passed to issue.

If any fee or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

DORITY & MANNING, P.A.

DATE: Dec 11, 2006

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